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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/930,129

08/16/2001

Toru Shibusawa

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7590

08/15/2006

WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP  
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WASHINGTON, DC 20036

EXAMINER

TSE, YOUNG TOI

ART UNIT

PAPER NUMBER

2611

DATE MAILED: 08/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

8

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/930,129	SHIBUSAWA, TORU	
	<b>Examiner</b>	<b>Art Unit</b>	
	YOUNG T. TSE	2611	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 July 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 21 is/are allowed.
- 6) ☒ Claim(s) 1, 2, 5, 6, 9, 10 and 22 is/are rejected.
- 7) ☒ Claim(s) 3-4, 7-8 and 11-20 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

### ***Allowable Subject Matter***

2. The indicated allowability of claims 1-2, 5-6, 9-10 and 22 is withdrawn in view of the newly discovered reference(s) to Ohta et al., Tsukagoshi and Kasprzyk et al..

Rejections based on the newly cited reference(s) follow.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-2 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohta et al. (US 5,579,121) herein after "Ohta" in view of Tsukagoshi (US 2003 /0095600 A1).

Ohta discloses an image compression processor in Figure 1 for executing a compression processing for image information. Figure 3 shows a view showing the structure of a real-time image compression processor.

With respect to claims 1 and 2, the image compression processor shown in Figure 1 comprises a detector (6) for detecting a digital video signal reproduced from a video tape recorder (VTR) 1; a receiving condition reporting means (5, 9 and 11-13) for reporting by at least the digital video signal that a receiving condition is degraded in a stage where the degradation of the receiving condition of the digital video signal has not exceeded an error correctable range; and a circuit (10) having an error correcting function for a demodulated digital signal. See col. 1, line 56 to col. 2, line 17; col. 2, lines 53-67; and col. 3, line 39 to col. 4, line 22.

With respect to claim 22, the image compression processor shown in Figure 1 comprises a first path (5-7 and 9-13) for introducing a signal inputted with a report signal representing a degradation of a receiving condition of a digital video signal reproduced from a video tape recorder (VTR) 1 to a video display 5 or 12; a second path (8 and 14) for introducing a signal not inputted with the report signal to a video recorder 4; and a circuit (10) having an error correcting function for a demodulated digital signal. See abstract and col. 4, lines 59-64.

As applied to claims 1 and 22 above, Ohta does not explicitly show or suggest that the digital video signal is a broadcasting wave, however, Ohta teaches that the video signal reproduced from the VTR 1 is supplied to a television (TV) monitor 5, S/N measurement circuit 6, pre-encoder 7, and delay 8, respectively. The pre-encoder 7 compressively encodes image information in accordance with a MPEG system conforming to ISO 11172. See col. 3, lines 37-44.

Tsukagoshi discloses a digital satellite broadcasting transmitter/receiver which receives a broadcasting program encoded using an MPEG system. See paragraph 52.

Tsukagoshi teaches that an encoded signal or program used in an MPEG system is a broadcasting wave or program. Therefore, it would have been obvious to one of ordinary skill in the art that the digital video signal reproduced from the VTR 1 of Ohta's image compression processor is a broadcasting wave as taught by Tsukagoshi in order to receive a broadcasting wave to the VTR, for example, through a well known front end receiver of an MPEG receiver.

5. Claims 5-6 and 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohta et al. in view of Tsukagoshi as applied to claim 1 above, and further in view of Kasprzyk et al. (US 6,016,557) herein after "Kasprzyk".

As applied to claim 1 above, Ohta and Tsukagoshi fail to show or suggest that the receiving condition reporting means is operated for a predetermined time period at predetermined timing from the time when the viewing of broadcasting is started to the time when it is terminated and the predetermined time period is adjusted by user setting, as recited in claims 5-6 and 9-10.

Kasprzyk teaches that users of the source monitor program can program onset and termination of a monitoring cycle in response to pre-selected triggering events. These triggering events can include any events of the type reported at columns 156, 158 and 159, in addition to passage of pre-selected time periods and transitional cycles

to both start and stop acquisition of stored data in the recirculating memory. See col. 8, lines 58-67.

As taught by Kasprzyk, it would have been obvious to one of ordinary skill in the art that the receiving condition reporting means of Ohta's image compression processor is capable of operating a predetermined time period at predetermined timing from the time when the viewing of broadcasting is started to the time when it is terminated in order to report or review just the broadcasting condition from a starting time to a finishing time within a predetermined time period.

***Allowable Subject Matter***

6. Claim 21 is allowed.

7. Claims 3-4, 7-8 and 11-20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. The following is a statement of reasons for the indication of allowable subject matter: the prior art fails to show or suggest that the receiving condition reporting means comprises a noise generator for generating noises, an adder for adding the noises to at least one of video and audio, and a controller for controlling at least the adder on the basis of the results of the detection by said detector. Or a digital broadcasting receiver comprises at least a controller for automatically detecting the receiving condition for each broadcasting wave by a detector at the time of adjusting an

antenna and storing the results of the detection in a memory; a comparator for detecting the receiving condition of the broadcasting wave during viewing by the detector after adjusting the antenna and comparing the results of the detection after adjusting the antenna and the results of the detection stored in said memory with each other; and a judging means for judging whether or not the receiving condition of the broadcasting wave is liable to be degraded on the basis of the results of the comparison.

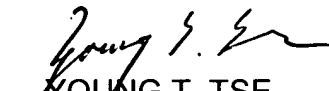
Any inquiry concerning this communication or earlier communications from the examiner should be directed to YOUNG T. TSE whose telephone number is (571) 272-3051. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jay Patel can be reached on (571) 272-2988. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Primary Examiner  
Art Unit 2611